

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 02-3878

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Richard F. Stanford,

Appellant,

v.

Jo Anne B. Barnhart, Commissioner of  
Social Security,

Appellee.

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Appeal from the United States  
District Court for the  
District of Minnesota.

[UNPUBLISHED]

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Submitted: June 5, 2003  
Filed: June 27, 2003

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Before BOWMAN, MELLOY, and SMITH, Circuit Judges.

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PER CURIAM.

Richard F. Stanford appeals the District Court's<sup>1</sup> order affirming the denial of disability benefits for certain periods from 1997-99. The narrow issue on appeal is whether medical insurance premiums that Stanford paid should have been deducted from his earnings for purposes of determining whether he engaged in substantial gainful activity (SGA) during the periods at issue. We have carefully reviewed the

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<sup>1</sup>The Honorable Richard H. Kyle, United States District Judge for the District of Minnesota, adopting the report and recommendations of the Honorable Arthur J. Boylan, United States Magistrate Judge for the District of Minnesota.

statutory and regulatory provisions regarding SGA—as well as Social Security Ruling 83-33, which is the Commissioner’s interpretation of those provisions, see Chevron U.S.A. Inc. v. Natural Res. Def. Council, Inc., 467 U.S. 837, 842-44 (1984)—as well as the Commissioner’s application of those provisions to the undisputed facts, see Smith v. Sullivan, 982 F.2d 308, 311 (8th Cir. 1992) (noting de novo review of the law as applied to undisputed facts). Contrary to Stanford’s contention, the District Court’s opinion reflects that it applied the appropriate standard of review, and we agree with its analysis of the issues Stanford raised. Accordingly, we affirm. See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.